

APR 30 2007

Application No. 10/820,383

Filed: April 8, 2004

TC Art Unit: 2622

Confirmation No.: 8459

FORMAL MATTERS

The Examiner has not considered two foreign references cited by the Applicant in an April 8, 2004 Information Disclosure Statement (the "IDS"). Copies of the English abstracts for the cited foreign references accompanied our response of November 27, 2007. As reported to the Patent Office in the IDS, the references were cited in an International Search Report for corresponding International Application Number PCT/CH02/00508 filed on September 16, 2002, which Applicant believed was part of the official record.

The Applicant respectfully requests that the Examiner consider and make part of the record these two references prior to issuance of his next action on the merits.

REMARKS

Claim 1 and claims 3-26 are currently pending. Claim 1 and claims 3-26 stand rejected under 35 U.S.C. § 112, first paragraph. Independent claims 1, 17, 23, and 24 have been amended. Accordingly, the Applicant believes that the grounds for rejection are now moot and respectfully requests withdrawal of the same.

Furthermore, withdrawal of rejections to the claims based on Section 102(b) and 103(a) per the September 20, 2006 Official Action has not been indicated to satisfy the requirements of a

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"complete action on the merits." Therefore, the Applicants repeat and amplify their arguments against said rejections.

SECTION 112, FIRST PARAGRAPH REJECTIONS

Claim 1 and claims 3-26 stand rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Independent claims 1, 17, 23, and 24 have been amended to delete reference to "lacking calibration intelligence". Accordingly, the grounds for rejection are believed to be moot and withdrawal of the rejections is respectfully requested.

SECTION 102(b) REJECTIONS

Claims 1-3, 5-9, 11, 12, 15-17, 19, 20, 23, and 24 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Number 6,542,185 to Bogardus, et al. ("Bogardus"). The Applicant respectfully traverses these rejections in view of the above amendments and for the reasons provided below.

Independent claims 1, 17, 23, and 24 have been amended to recite that parameters for influencing camera operating properties, such as uniformity, linearity, gain, pixel defect correction, focus, and so forth, are selected remotely and, based on the selected parameters, an optical stimulus, e.g., an object to be imaged by the camera, is selected or instantly generated remotely for local display. See, e.g., Specification,

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page 7, lines 24-31. Thus, according to the invention as claimed, calibration can be performed remotely and a controlled environment is not needed for calibration. Moreover, remote selection and generation of an appropriate optical stimulus enables the adaptation of an appropriate optical stimulus according to a selected parameter(s).

The Bogardus reference discloses "a method and an apparatus for automated optimization of white and color balance on a video camera." U.S. Patent Number 6,542,185, col. 1, lines 10-12. However,

[t]he present invention uses an optical target in combination with calibration software capable of recognizing the optical target. The calibration software adjusts the camera until the perceived image matches the correct image available to the calibration software. More specifically, the optical target includes both white and non-white colors of known intensity. Since the calibration software has knowledge of the correct appearance of the optical target, the calibration software is capable of adjusting the video camera's response such that the image observed matches the image's known characteristics. Once having been adjusted for a given light condition, any other objects then observed under the same lighting conditions will appear in their true and accurate colors as captured by the video camera.

Id., col. 2, lines 6-22 (emphasis added). Thus, according to the teachings of Bogardus, the optical target ("optical stimulus" per current application) is local and pre-determined,

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and not selected remotely based on camera operating property-influencing parameters.

The only remote operations in Bogardus are the image recognition and calibration mechanisms 112 and 114. No image is selected remotely for the camera.

Accordingly, the Bogardus reference does not teach, mention or suggest the invention as claimed in independent claims 1, 17, 23 or 24 and, therefore, cannot anticipate or make obvious the claims or any claims depending therefrom. As a result, the Applicant believes that, the claims satisfy all of the requirements of 35 U.S.C. §§ 101, et seq., especially § 102(b), and are in condition for allowance; and respectfully requests withdrawal of the rejections.

SECTION 103(a) REJECTIONS

Claims 4, 10, 13, 14, 18, 21, 22, 25, and 26 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Bogardus. For the same reasons that the Bogardus reference does not anticipate the invention as claimed, it also does not make the present invention obvious. The Bogardus reference does not motivate one skilled in the art to remotely select and generate an appropriate optical stimulus to enable the adaptation of an appropriate optical stimulus according to a selected parameter(s).

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Accordingly, the Bogardus reference does not teach, mention or suggest the invention as recited in claims 4, 10, 13, 14, 18, 21, 22, 25, and 26. As a result, the Applicant believes that, the claims satisfy all of the requirements of 35 U.S.C. §§ 101, et seq., especially § 103(a), and are in condition for allowance; and respectfully requests withdrawal of the rejections.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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